

REMARKS

Upon entry of the present amendment, Claims 1-16 and 18-21 remain in the application, of which claims 1, 12 and 21 are independent. The above-identified Office Action has been reviewed, the references carefully considered, and the Examiner's comments carefully weighed. In view thereof, the present Amendment is submitted. It is contended that by the present amendment, all bases of rejection set forth in the Office Action have been traversed and overcome. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

DISCUSSION

Applicant has amended claims 1, 20 and 21 by the present amendment.

After careful reconsideration, applicant respectfully submits that in their present form, each of claims 1-16 and 18-21 patentably distinguishes over the art of record.

Applicant therefore requests reconsideration of the rejections, and allowance of all pending claims.

Section 112 Issues

In the above-identified Office Action, the Examiner rejected claims 1-11 and 20 as indefinite. The Examiner stated that the phrase "the primary area", as set forth in claim 1, lacked antecedent basis.

Applicant has amended claim 1 to replace "the" with --a-- before the term "primary area", in order to overcome the 112 rejection based on a lack of antecedent basis.

Applicant has amended claim 20 to delete "arm" after "arm" as per the suggestion of the Examiner, and has also deleted the extra comma in line 3, in order to correct a minor grammatical error.

Applicant respectfully submits that, as presently amended, the rejections based on 35 U.S.C. 112 have been overcome and requests the rejection be withdrawn.

Section 103 Issues

Also in the above-identified Office Action, the Examiner rejected claims 1-6 and 9 as unpatentable under 35 U.S.C. 103(a) over Purdy (4,552,247) in light of Maxwell (5,641,036) or Huntley (5,101,933), and Talley (5,791,436). Applicant disagrees with and traverses this ground of rejection.

However, in the interest of expediting prosecution, applicant has further amended claim 1 to add the limitations that the standing platform is operatively attached to the ladder below the upper frame assembly, and the movable seat is pivotally connected to the upper frame assembly at the closed end of the U-shaped brace in a manner such that the seat is upwardly pivotally movable in relation to the U-shaped brace in the installed configuration of the ladder stand.

Applicant respectfully submits that the new amendment to claim 1 overcomes the rejection of record, and places the claim in condition for allowance.

Claims 2-6 and 9 depend directly or indirectly from claim 1, and therefore incorporate each and every limitation of the base claim or claims.

Applicant respectfully suggests that none of Purdy, Maxwell, Huntley, and Talley include the newly claimed features.

Applicant respectfully suggests that adding a more specific location of the connection between the seat and frame overcomes the rejection of claim 1, and therefore requests reconsideration and withdrawal of such rejection.

Upon careful consideration and in light of the above amendments, applicant

respectfully submits that the Examiner's rejections are overcome in relation to present claims 1-6 and 9 because applicant's ladder stand, as presently claimed, patentably distinguishes over the teachings of Purdy, Maxwell, Huntley and Talley, or any reasonable combination of these references.

Also in the above-identified Office Action, the Examiner rejected claim 21 under 35 U.S.C. 103(a) as unpatentable over Graham, Jr. (2002/0112919) in view of Talley.

Applicant respectfully suggests that a hypothetical modification of Graham to include securing members would not disclose all of the elements of the presently claimed invention.

It is the Examiner's position that Graham includes a stand and a U-shaped brace. However, Graham does not include a substantially U-shaped brace, which "rests on and is fixedly attached to the reinforcement rails."

Furthermore, applicant has amended claim 21 to more particularly point out and distinctly claim what is regarded as the invention. Applicant respectfully submits, as presently amended, claim 21 distinguishes over the prior art and is believed to be in the condition for allowance.

Accordingly, applicant respectfully requests reconsideration and withdrawal of the rejection of claim 21.

Further in the Office Action, the Examiner rejected claims 12-16 under 35 U.S.C. 103(a) as unpatentable over Graham, Jr. in view of Talley and further in view of Carrillo et al. (6,244,556).

Applicant respectfully submits that Graham, Talley and Carrillo each fail to teach, disclose or suggest an upper frame comprising reinforcing rails and a substantially U-shaped brace which rests on and is fixedly attached to the reinforcing rails, as claimed.

Furthermore, applicant has amended claim 12 to more particularly point out and distinctly claim what is regarded as the invention. Applicant respectfully submits, as presently amended, claim 12 distinguishes over the prior art and is believed to be in the condition for allowance.

Applicant requests reconsideration and withdrawal of the Examiner's rejection of claims 12-16 under 35 U.S.C. 103 because applicant's invention, as presently claimed, is patentably distinguishable from the teachings of Graham, Talley and Carrillo, considered either individually or in combination.

The Examiner also rejected claim 20 in the above-identified Office Action under 35 U.S.C. 103(a) as unpatentable over Graham in view of Talley and further in view of Craig (5,186,276).

Applicant respectfully submits that Graham, Talley and Craig each fail to teach, disclose, or suggest an upper frame comprising reinforcing rails and a substantially U-shaped brace which rests on and is fixedly attached to the reinforcement rails.

Furthermore, Craig does not include a swing arm pivotally situated above the brace. Graham and Talley similarly, do not disclose the pivotally adjustable swing arm situated above the brace.

Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 20 as unpatentable over Graham, Talley and Craig.

Further in the Office Action, the Examiner rejected claim 21 under 35 U.S.C. 103(a) as unpatentable over Brack, Jr. (5,686,221) in view of Heath (2003/0029674) and Talley.

Applicant traverses the rejection of claim 21. However, applicant has amended claim 21 to more particularly point out and distinctly claim what is regarded as the invention.

Claim 21 has been amended to require that the movable seat is pivotally connected to the upper frame assembly at the closed end of the U-shaped brace in a manner such that the seat is upwardly pivotally movable in relation to the U-shaped brace in the installed configuration of the ladder stand.

Applicant submits that as presently amended, claim 21 distinguishes over the cited references. Applicant therefore respectfully requests reconsideration and withdrawal of the rejection of claim 21 under 35 U.S.C. 103(a).

In the above-identified Office Action, the Examiner also rejected claims 12-14, 16, 18 and 19 under 35 U.S.C. 103(a) as unpatentable over Brack, Jr. in view of Talley and further in view of Phillips (5,368,127).

Applicant respectfully suggests that Brack, Talley and Phillips do not include an upper frame assembly comprising reinforcement rails and a substantially U-shaped brace which rests on and is fixedly attached to the reinforcement rails. Moreover, as noted above, claim 12 has been amended by the present amendment, and as amended, claim 12 is believed to patentably distinguish over all cited references, considered either individually or in any reasonable combination thereof.

Applicant traverses the rejection and respectfully requests reconsideration and withdrawal of the Examiner's rejection of claims 12-14, 16, 18 and 19 under 35 U.S.C. 103(a) as unpatentable over Brack, Jr. in view of Talley and further in view of Phillips.

Also in the above-identified Office Action, the Examiner rejected claims 2 and 10 under 35 U.S.C. 103(a) as unpatentable over Purdy, Maxwell or Huntley in view of Talley and further in view of Craig.

Applicant traverses the rejection of claims 2 and 10 and requests reconsideration and

withdrawal thereof.

Additionally, applicant has amended claim 1 in order to add a more specific location of the connection of the seat to the upper frame. Claims 2 and 10 depend from claim 1 and therefore incorporate each and every limitation in the base claim.

Applicant therefore requests reconsideration and withdrawal of the Examiner's rejection of claims 2 and 10 under 35 U.S.C. 103(a) as unpatentable over Purdy, Maxwell or Huntley in view of Talley and further in view of Craig.

Further in the above-identified Office Action, the Examiner rejected claims 2, 7, 8, 10 and 11 as unpatentable over Purdy, Maxwell or Huntley in view of Talley and further in view of Craig.

Applicant has amended claim 1 to more particularly point out and distinctly claim what is regarded as the invention. Claims 2, 7, 8, 10 and 11 depend directly or indirectly from claim 1 and therefore incorporate all limitations of that claim.

Applicant respectfully submits as presently amended, claims 2, 7, 8, 10 and 11 overcome the rejection and are believed to be in condition for allowance.

Applicant respectfully suggests that, as presently amended, all of the pending claims are patentably distinguishable over all of the references and are allowable under the standard set out in 35 U.S.C. section 103(a). Applicant therefore requests reconsideration and withdrawal of all of the rejections of record.

Conclusion

Applicant respectfully suggests that no references of record, either singly or in combination, teach applicant's invention, as presently claimed, and that further, skill generally available in the art would not lead to a person of ordinary skill creating applicant's claimed invention, using the references of record.

Applicant respectfully suggests that as presently amended, all of the pending claims are believed to be allowable. No new matter has been added by the present amendment.

For all of the above mentioned reasons, applicant requests reconsideration and withdrawal of the rejection of record, and allowance of the pending claims.

Respectfully submitted,



William D. Blackman
Attorney for Applicant
Registration Number 32,397
(248) 344-4422

Carrier, Blackman & Associates
24101 Novi Road, Suite 100
Novi, Michigan 48375
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